



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 2  
290 Broadway  
New York, NY 10007-1866

### AUTHENTICATION

I, Lee Spielmann, attest that I am a General Attorney, with the Office of Regional Counsel, Region 2 of the United States Environmental Protection Agency (EPA or Agency) and that the attached documents are true, correct, and compared copies of the file copies in my legal custody, consisting of:

Inspection Report from Stephane Tougas, Life Scientist, EPA & Michael Kramer, Environmental Scientist, EPA to Claire Reinbergen, President, Growth Products, Ltd. Dated April 12, 2018, 5 pages.

Subscribed under the penalty of perjury on this 20<sup>th</sup> day of December 2022.

**Lee Spielmann, General Attorney  
Office of Regional Counsel, Region 2**

### CERTIFICATION OF TRUE COPY

I, Patricia Hick, certify that I am the Acting Deputy Regional Counsel, Office of Regional Counsel, of the United States Environmental Protection Agency; that I am the designee for the purpose of executing certifications under 40 C.F.R. sec. 2.406; that I have duties in New York, New York; and that the official whose signature appears above has legal custody pursuant to 40 C.F.R. §2.406 of the original documents, copies of which are attached, as witnessed by my signature and the official seal of the United States Environmental Protection Agency.

**Patricia Hick  
Acting Deputy Regional Counsel  
Office of Regional Counsel**

**Date:**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837-3679

APR 12 2018

Clare Reinbergen, President  
Growth Products, Ltd.  
80 Lafayette Ave.  
White Plains, NY 10603

RE: Inspection Report

Dear Ms. Reinbergen:

Representatives from the Environmental Protection Agency - Region 2 ("EPA" or "Agency") recently conducted an inspection of or review of records for the above-named entity under Section 9, 7 U.S.C. § 136g of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA" or "the Act") and the federal regulations promulgated thereunder. Enclosed is a copy of the inspection report completed as part of our initial evaluation.

Please be aware that it is Agency policy to make inspection reports publicly available unless a determination has been made that specific information contained in a given report is entitled to confidential treatment ("confidential business information" or "CBI"). Any information submitted pursuant to 40 CFR § 169.3 shall be subject to the provisions of FIFRA section 10.

Please contact the inspector listed on the first page of the attached inspection report if you have questions regarding the inspection, treatment of confidential information, or regulatory compliance.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Audrey E. Moore".

Audrey E. Moore  
Pesticides Team Leader

Enclosure

**U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 2**  
**PESTICIDES AND TOXIC SUBSTANCES BRANCH (PTSB) – PESTICIDES TEAM**  
**INSPECTION REPORT**  
**(for FIFRA Inspections)**

Inspection Date(s):	February 7, 2018		
Media/Statute:	FIFRA		
Type of Inspection:	Producer Establishment		
Firm Name(s):	Growth Products, Ltd.		
Firm Address:	80 Lafayette Ave.		
City, State, Zip:	White Plains, NY 10603		
County:	Westchester		
Firm Contact:	Name: Clare Reinbergen	Title: President	
	Email: creinbergen@growthproducts.com	Phone: 800-648-7626	
NAICS Code:	325311		
SIC Code:	2873		
Personnel Participating in Inspection			
Stephanie Tougas	DECA/PTSB/PT	Enforcement Officer	732-321-4436
Michael Kramer	DECA/PTSB/PT	Enforcement Officer	732-321-6610

## **Inspection Report**

**Company Name and Location:** Growth Products, Ltd.  
80 Lafayette Ave.  
White Plains, NY 10603

**Responsible Officials:** Clare Reinbergen  
President  
Tel: (800) 648-7626  
email: [creinbergen@growthproducts.com](mailto:creinbergen@growthproducts.com)

**Date of Inspection:** Feb 7, 2018

**EPA Inspectors:** Stephanie Tougas (lead inspector)  
Michael Kramer

### **Objectives:**

To investigate potential Federal Insecticide, Fungicide, and Rodenticide Act violation of Section 12(a)(1)(A), for sale of an unregistered pesticide under section 3.

### **Inspection Summary:**

On February 7, 2018, inspectors Stephanie Tougas and Michael Kramer conducted a for cause inspection at Growth Products, Ltd., (EPA Est. No. 71065-NY-001) located in White Plains, New York. Growth Products, Ltd., specializes in development, manufacturing, and marketing of fertilizers, micronutrients, and biological control products. The EPA had previously received a complaint that Growth Products, Ltd., was selling unregistered products with pesticidal claims, which resulted in an initial inspection conducted on June 8, 2016. The review of the evidence collected during the initial inspection lead to an Enforcement Case Review (ECR) request on August 25, 2016, concerning label claims on various pesticidal products. We received an ECR response on October 11, 2017. Once we received the ECR response, we scheduled a follow-up inspection at Growth Products, Ltd., to collect more evidence. Prior to this follow-up inspection, we had contacted Ms. Clare Reinbergen, President, via email, to request specific documents to be ready for us when we arrived.

We arrived at 10:00 A.M. and were promptly met by Ms. Reinbergen. She led us into a conference room where we presented our federal credentials and issued a Notice of Inspection. Ms. Reinbergen had prepared for us all the documents we requested, for which we filled out a Receipt for Samples. The materials collected were as follows:

1. Invoice summary from the most recent 12 months for Companion Liquid Biological Fungicide (EPA Registration No. 71065-3) for Turf, Horticulture, Agriculture, and Hydroponics
2. Labels for Companion Liquid Biological Fungicide (EPA Registration No. 71065-3) for Turf, Horticulture, Agriculture, and Hydroponics
3. Invoice summary from the most recent 12 months for Companion Liquid Biological Fungicide (EPA Registration No. 71065-3) Retail product
4. Label for Companion Liquid Biological Fungicide (EPA Registration No. 71065-3) Retail product


5. Invoice summary from the most recent 12 months for Companion Biological Fungicide Wettable Powder (EPA Registration No. 71065-4)
6. Invoice summary and corresponding labels from the past 12 months for the following 5 products:
  - a. Essential plus 1-0-1 100% Soil Amendment and Root Stimulator with 21 L-Amino Acids (both the OMRI certified product and the non-OMRI certified product. The difference between the two products are the source of the "plant extracts" listed in the ingredients: the OMRI certified product "plant extracts" are purchased in France and contain no GMO's, whereas the "plant extracts" in the non-OMRI certified product are purchased domestically and do contain GMO's).
  - b. SITKO SA 0-7-17 A combination of silicate, phosphite and salicylic acid for all crops
  - c. Recover RX 3-18- RX Foliar Formulation with Salicylic Acid and Phosphorous Sources
  - d. Green-Speed Si 0-2-5 7% Soluble Potassium Silicate with Phosphite and 2% Humic Acid
  - e. "TKO" Phosphite 0-0-26 100% Phosphite

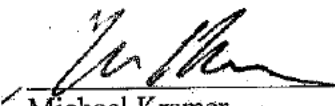
Ms. Reinbergen explained that her staff accidentally had left out one of the labels (label for Companion Biological Fungicide Wettable Powder EPA Reg. No. 71065-4) we requested, and stated she would mail us a copy of it as soon as possible. After we collected all the materials we requested, we proceeded to ask questions about the Confidential Statement of Formula (CSF) for the products EPA Reg. No. 71605-4 and EPA Reg. No. 71605-3. During the previous inspection, Ms. Reinbergen disclosed to us that the label on the product EPA Reg. No. 71605-4 displayed a concentration of *Bacillus subtilis* GB03, the active ingredient, different than the concentration listed on the master label that was submitted during registration. The CSF concentration matches the label that appears on the product for sale, and the concentration in the formulation of the product matches the concentration claimed on the label of the product for sale. Ms. Reinbergen said she would provide us with batch records for this product and agreed to put this information in a statement. Ms. Reinbergen also claimed that she had been in discussion with someone at EPA about the CSF regarding this issue, as well as in discussion about changing the source material for *B. subtilis* GB03 on the CSF (the current source is [REDACTED], the source listed on the CSF is [REDACTED]). Ms. Reinbergen agreed to provide us with the correspondence and meeting summaries she had with the EPA contact regarding these issues.

After discussing the CSF, we asked Ms. Reinbergen about the pesticide production reports. We explained that we have not had a production report submitted since 2012. Ms. Reinbergen was surprised by this allegation, apologized, and told us she would submit the missing production reports as soon as possible.

We prepared a statement that Ms. Reinbergen signed that indicated which materials she would send to our office and her claims regarding the formulation of EPA. Reg. No. 71065-4. We concluded the inspection explaining we would bring the information back to our office to discuss and that we be in touch regarding what actions the EPA may take. We terminated the inspection at 11:45 AM.

Signature of EPA inspectors

  
Stephanie Tougas  
Life Scientist

  
Michael Kramer  
Environmental Scientist

**Attachments:**

- A. FIFRA Notice of Inspection**
- B. FIFRA Receipt for Samples**
- C. FIFRA Statement**
- D. Samples 02072018-18588-Sub A-Sub S**